

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12th day of November 2004, at 8:00 P.M., and there were

**PRESENT:**            **JEFFREY LEHRBACH, CHAIRMAN**  
**JOHN ABRAHAM, JR. MEMBER**  
**ANTHONY ESPOSITO, MEMBER**  
**WILLIAM MARYNIEWSKI, MEMBER**  
**RICHARD QUINN, MEMBER**  
**ARLIE SCHWAN, MEMBER**  
**ROBERT THILL, MEMBER**

**ABSENT:**            **NONE**

**ALSO PRESENT:**    **JOHANNA M. COLEMAN, TOWN CLERK**  
**RICHARD SHERWOOD, TOWN ATTORNEY**  
**LEN CAMPISANO, ASSISTANT BUILDING INSPECTOR**

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF FRANCIS SIKORA:**

THE CASE TO BE CONSIDERED BY THE Zoning Board of Appeals is that of the petition of Francis Sikora, 537 Harris Hill Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a pole barn on premises owned by the petitioner at 537 Harris Hill Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is one thousand one hundred fifty two [1,152] square feet.

Chapter 50, Zoning, Section 10.D.(4) of the Code of the Town of Lancaster limits the area of accessory structures to seven hundred fifty [750] square feet. The petitioner, therefore, requests a four hundred and two [402] square foot variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Francis Sikora  
537 Harris Hill Road  
Lancaster, New York 14086

Petitioner

**IN THE MATTER OF THE PETITION OF FRANCIS SIKORA**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. LEHRBACH, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. MARYNIEWSKI  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Francis Sikora and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of November 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That there are numerous businesses in the Genesee Street/Harris Hill area, which are in close proximity to the subject property, with similar structures to that which is requested by the petitioner.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial, but should not preclude granting of variance.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT**

**RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the petitioner demolishes the existing storage shed.

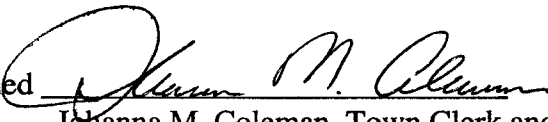
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

November 12, 2004

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:22 P.M.

Signed   
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: November 12, 2004